

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LINDA PATTON,
Charging Party

HRB CASE NO. 0131015858

-v-

ORDER
FINAL AGENCY DECISION

DEPARTMENT OF PUBLIC HEALTH AND
HUMAN SERVICES, VOCATIONAL
REHABILITATION SERVICES,
Respondent

Charging Party, Linda Patton (Patton), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in governmental services on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Patton's allegations that Respondent, Department of Public Health and Human Services, Vocational Rehabilitation Services, discriminated against Patton. The Department issued a Notice of Dismissal. Patton filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 19, 2013. Linda Patton appeared by telephone and argued on the behalf of herself. Mary Tapper appeared and argued on behalf of Department of Health and Human Services, Vocational Rehabilitation Services.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district

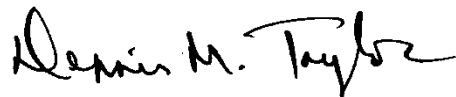
where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Linda Patton's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Department of Public Health and Human Services, Vocational Rehabilitation Services.

DATED this 24th day of September, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 24th day of September, 2013.

LINDA PATTON
260 SPENCER HILL AVENUE
LIBBY, MT 59923

MARY TAPPER
OFFICE OF LEGAL AFFAIRS
P.O. BOX 4210
HELENA, MT 59604-4210

A handwritten signature in cursive script that reads "Annah Smith".

Annah Smith, Legal Secretary
Montana Human Rights Bureau